

REMARKS

This application has been reviewed in light of the Office Action dated March 11, 2008. Claims 1-10, 12-27, 29-36, 39, 40, 43, and 44 are presented for examination, of which Claims 1, 12, 23, 29, 39, 40, 43, and 44 are in independent form. Claims 11, 28, 41, and 42 have been cancelled, without prejudice or disclaimer of the subject matter presented therein. Claims 1 and 23 have been amended to define Applicants' invention still more clearly. Favorable reconsideration is requested.

Initially, on page 2, the Office Action states that Claims 39-44 are in independent form and appropriate fees are due to prosecute these claims. Applicants have paid herewith the fees believed due in view of the Office Action's interpretation of these claims.

The Office Action rejected Claims 1-11, 23-28, 39, 41, and 43 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended Claims 1 and 23 to address the antecedent basis issues raised in the Office Action. Accordingly, it is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action rejected Claims 1-36 and 39-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0018818 (*Boliek et al.*, hereinafter "*Boliek*") in view of what is well known in the art. Applicants respectfully traverse these rejections and submit that independent Claims 1, 12, 23, 29, 39, 40, 43, and 44 together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Without conceding the propriety of the outstanding rejection over independent Claim 1, Applicants have amended Claim 1 to include the features previously recited in dependent Claim 11. Amended independent Claim 1 now recites, in part, “the method being implemented in the second apparatus, the method comprising . . . determining a position . . . as a function of . . . at least one pointer marker present in the header data of the signal . . . [and] forming, prior to the processing, the at least one pointer marker in the signal when such a marker is not present in the signal” (emphasis added).

Applicants respectfully submit that *Boliek* fails to form a pointer marker that is inserted into the header data of the signal. When rejecting previous dependent Claim 11, the Office Action states that “*Boliek* discloses a preliminary step of forming the at least one pointer marker in the signal, when such a marker is not present in the signal,” and cites paragraph 64 of *Boliek* as teaching that feature. *See* Office Action, page 9.

Paragraph 64 of *Boliek* recites:

From this information, and the known order of the packets, the exact location and length of each packet is known. The client can create a data structure that lists the locations of all the packets on the server side and relates that to data that has been received on the client side. For the above example, the data structure might contain the data in Table 1. Note that this information can be generated regardless of the number of tile-parts for a given tile or the order in the codestream.

(Emphasis added).

While *Boliek*’s client may generate a data structure of the locations of all the packets on the server side, Applicants have found nothing in *Boliek* that relates to forming a pointer marker from the data structure location data and then inserting that pointer marker into the header data of the signal. For at least this reason Applicants respectfully submit that *Boliek* fails to teach or reasonably suggest “forming, prior to the

processing, the at least one pointer marker in the signal when such a marker is not present in the signal,” as recited by amended Claim 1.

Furthermore, even if *Boliek's* client data structure could be reasonably interpreted as a pointer marker that was included in the header data of the signal (which it is not), *Boliek* still fails to teach or reasonably suggest forming such a pointer marker at the claimed “second apparatus” of Claim 1. As best understood by Applicants, the Office Action has equated Applicants’ claimed “first apparatus” with *Boliek's* client and Applicants’ claimed “second apparatus” with *Boliek's* server. See Office Action, page 4 (“[0043], the client request specific ranges of bytes in the codestream using the starting point in memory, i.e. the position in the body of the codestream, thus when the server processes the incoming request it determines the position in the body of the signal of corresponding data packets”). Claim 1, however, recites that “the method [is] implemented in the second apparatus.” Thus, the Office Action’s reliance on a feature that resides solely in *Boliek's* client and interpreted by the Office Action to be the claimed “first apparatus” is not understood to teach or reasonably suggest the “forming” implemented in the second apparatus, as recited in Claim 1.

A review of the concepts alleged by the Office Action to be well known has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the claims herein.

For at least these reasons, Applicants submit that the Office cannot sufficiently establish a *prima facie* case of obviousness against amended Claim 1 in view of the cited art and the concepts alleged to be well known, and that the proposed combination of *Boliek* and what is alleged to be well known, even if deemed legally

permissible or technically feasible, would fail to arrive at the request processing method of Claim 1. Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

Independent Claims 23, 39, and 43 include features similar to those discussed above with respect to Claim 1. Therefore, those claims are also believed to be patentable for at least the same reasons as discussed above.

Previously presented independent Claim 12 recites, in part, “determining a position at which the at least one data packet is to be inserted into the body of a compressed digital signal . . . , the position being determined as a function of the length of the header data and, of at least one pointer marker previously received and inserted into the header data of the signal by the first apparatus . . . ; and inserting into the body of the derived signal the at least one data packet at the determined position” (emphasis added).

As best understood by Applicants, in *Boliek*, JPEG 2000 data requested by a client is transmitted from the server to the client and is then integrated with previously buffered data to create a legal JPEG 2000 codestream. *See Boliek*, paragraphs 45 and 46. As described in paragraph 52 of *Boliek*, the length and starting point of every packet in the codestream is known after the main header is received by the client based on the TLM and PLM marker segments included in the main header. This assumes, however, that all of the packets from the original codestream were sent to the client. In *Boliek’s* system, since only a portion of the codestream may have been requested by the client, the client must modify the markers of the codestream so that they are correct for the portion of the codestream generated at the client. *See Boliek*, paragraph 46. In other words, *Boliek* relies on

integrating a codestream based on modified marker values (i.e. modified TLM and PLM values).

In stark contrast, the present invention of Claim 12 integrates packets received at the first communication apparatus based on pointer markers that were previously received at the first communication apparatus. Thus, unlike the *Boliek*, the present invention of Claim 12 relies on the original pointer markers received at the first communication apparatus to position each received packet for a signal and does not position packets based on modified pointer markers. For at least this reason respectfully submit that *Boliek* does not teach or reasonably suggest the aforementioned features of Claim 12.

A review of the concepts alleged by the Office Action to be well known has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the claims herein.

For at least these reasons, Applicants submit that the Office cannot sufficiently establish a *prima facie* case of obviousness against Claim 12 in view of the cited art and the concepts alleged to be well known, and that the proposed combination of *Boliek* and what is alleged to be well known, even if deemed legally permissible or technically feasible, would fail to arrive at the processing method of Claim 12 where packets are positioned based on previously received pointer markers. Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

Independent Claims 29, 40, and 44 include features similar to those discussed above with respect to Claim 12. Therefore, those claims are also believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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